

SCHOOL DISTRICT OF WAUPACA

SERIES 400 STUDENTS

CODE: 422-R1

PUBLIC SCHOOL OPEN ENROLLMENT PROCEDURES

DEFINITION OF TERMS:

Alternative Application under Certain Circumstances

The parent of a pupil may apply for open enrollment at another time period other than the February to April time period if the pupil meets one of the criteria, and shall describe the criteria that the pupil meets in the application:

1. The resident school board determines that the pupil has been the victim of a violent criminal offense, as defined by the department by rule.
2. The pupil is or has been a homeless pupil in the current or immediately preceding school year.
3. The pupil has been a victim of repeated bullying or harassment and all of the following apply:
 - a. The pupil's parent has reported the bullying or harassment to the resident school board
 - b. Despite action taken, the repeated bullying and harassment continues.
4. The place of residence of the pupil's parent or guardian and of the pupil has changed as a result of military orders.
5. The pupil moved into the state.
6. The place of residence of the pupil has changed as a result of a court order or custody agreement or because the pupil was placed in a foster home or with a person other than the pupil's parent or removed from a foster home or from the home of a person other than the pupil's parent.
7. The parent of the pupil, the resident school board, and the nonresident school board agree that attending school in the nonresident school district is in the best interest of the pupil.

Full-time Open Enrollment Program

The student is enrolled in the nonresident district as a full-time student and all educational services are delivered by or through the nonresident district.

Lottery

A random drawing process used to determine which students will be approved for open enrollment when the requests outnumber the spaces available. The random drawing process will be used, as needed, for open enrollment with the School District of Waupaca, for nonresident open enrollment, for nonresident students on waiting lists, and for resident students who request open enrollment to other district in the event of statutory limits.

Nonresident District

A school district located in Wisconsin that is not a student's district of residence.

Part-time Open Enrollment

The student is enrolled in the resident district and permitted to attend a nonresident district for no more than two courses. Part-time open enrollment to a nonresident district is not available to resident students enrolled in a private or home-based private educational program.

Program Size

The enrollment or size restrictions established in a specific program within a class or building. The School District of Waupaca reserves the exclusive right to establish program size and to limit enrollment based upon the capability to properly allocate available resources, create and maintain a proper learning environment, and comply with contracts, grants, and applicable laws and regulations.

Senior Status

A student who has gained 12th grade status and a resident of the School District of Waupaca at the time of gaining such status shall be permitted to complete 12th grade without payment of tuition, even though the student is no longer a resident of the School District of Waupaca.

Sibling

A sibling is one that shares a parent through birth or adoption. This includes step-siblings who reside in the same household.

Tuition Student

A nonresident student who is enrolled in the School District of Waupaca with tuition paid in accordance with State law.

Tuition Waivers:

Students are permitted to attend a nonresident district for an established period of time under state law if they qualify for any of the following waivers:

- **Remainder of the Current School Year Waiver**
If a student moves on or after October 1 of the current school year and was a resident and enrolled in the nonresident district on either the third Friday in September or the second Friday in January of the current school year, and enrolled in the nonresident district for at least 20 school days, then the student has the right to attend the nonresident district for the remainder of the current school year.
- **Additional Year Waiver**
If a student moves after the first Monday in February and prior to July 1, then the student may qualify for an additional year waiver and therefore be permitted to attend the nonresident district. To qualify, the student must have been a resident of the nonresident district on the second Friday in January, and enrolled continuously in the nonresident district from the second Friday in January through the end of the school year. The student must also continue to be a resident of Wisconsin.

- **Current Year or Additional Year Waiver**
If a student moves on or after July 1 and prior to October 1, then the student may qualify for a current year or an additional year waiver and therefore permitted to attend the nonresident district. To qualify, the student must have been a resident of the nonresident district on the second Friday in January, enrolled continuously in the nonresident district from the second Friday in January through the end of that school year, and a resident of the non-resident district on July 1. The student must also continue to be a resident of Wisconsin. The nonresident district determines if the waiver is designated as a current year or additional year waiver.
- **Current Year Permissive Waiver**
If a student moves on or after July 1 and prior to October 1, and was not a resident of the nonresident district on the second Friday in January of the prior school year, the student may qualify for a current year permissive waiver. To qualify, the student must have been a resident and enrolled on July 1 of the current school year. If the student was not a resident of the nonresident district on July 1, then a waiver can't be approved.

FULL-TIME ENROLLMENT

The School District of Waupaca shall allow nonresident students residing within the State of Wisconsin to attend school full-time or part-time with the School District of Waupaca, and resident students shall be permitted to attend school in other districts.

A. ACCEPTANCE/REJECTION CRITERIA

The School District of Waupaca shall consider the following criteria when accepting or rejecting a nonresident student's application for full-time enrollment.

1. Acceptance of Students Currently Attending the District
The School District of Waupaca is permitted and has elected to accept students who are currently attending the School District of Waupaca under the open enrollment or tuition waiver, and siblings of such students under Wisconsin State Statute 118.51(3)(a)2.

Students who are approved through the open enrollment process are not required to reapply for open enrollment. These students are assured continued enrollment regardless of space availability unless they commit a violation of school rules, which equals an expellable offense, as described under "Student Expulsions" or if determined to be Habitual Truant as described under "Habitual Truancy".

Students enrolled in the School District of Waupaca through a Remainder of Current School Year Waiver, Additional Year Waiver, Current Year Waiver or Additional Year Waiver, or Current Year Permissive Waiver are allowed to continue their enrollment through the tuition waiver period. However, to attend beyond the tuition waiver period, students are required to apply for open enrollment at the next possible time that

the application process is available. Students attending under a tuition waiver and who apply for open enrollment will be accepted unless they have been found to be habitually truant in the School District of Waupaca during any semester of attendance in the current or previous school year. The School District of Waupaca, at its discretion, may reject their open enrollment application for this reason.

2. Student Expulsions

As provided in Wisconsin State Statutes 118.51(5)2. and 120.13(1)(f), the School District of Waupaca, at its discretion, may deny enrollment of a nonresident student that is currently expelled from any of the following:

- a. Another Wisconsin public school district;
- b. A public school located in another state; or
- c. An independent charter school located in Wisconsin.

The School District of Waupaca will consider certain disciplinary issues that fall into the following categories, even when the student is not under an expulsion order that extends into the year in which the student would begin to attend the School District of Waupaca or where a disciplinary proceeding involving the student is pending for any of the following reasons:

- Conveying or causing to be conveyed any threat or false information concerning an attempt or alleged attempt to be made to destroy any school property by means of explosives;
- Engaging in conduct while at school or while under the supervision of a school authority which endangered the health, safety, or property of others
- Engaging in conduct while not at school or while not under the supervision of a school authority which endangered the health, safety, or property of others at the school or under the supervision of a school authority or of any employee of the school district or member of the School Board; or
- Possessing a dangerous weapon, as defined in Wisconsin State Statute 939.22(10), while at school or while under the supervision of a school authority.

In cases involving student conduct (or, where applicable, alleged conduct) that falls into one of the above-listed categories, the School District of Waupaca may deny an application for the following reasons:

- If the student has been expelled from school by any public school district during the current or two preceding school years;
- If a disciplinary proceeding involving a violation of a school code of conduct is pending; or

- If any of the aforementioned circumstances occur after the student has been accepted for enrollment and prior to the beginning of the school year in which the student first attends school in the District under open enrollment, the student's acceptance for open enrollment may be withdrawn.

If any of the aforementioned circumstances pertain to nonresident students applying or accepted for open enrollment, they will retain their expulsion status and only be permitted to attend the School District of Waupaca if space is available including any required special education services. Their status as an expelled student will remain until their expulsion order has ended.

Also, if approved and enrolled, the nonresident student's activities will be restricted to the approved school and they will not be permitted to participate in other School District of Waupaca activities such as co-curricular programs and other school events for the term of the expulsion order unless administrative approval is obtained.

3. Habitual Truancy

- **Habitual Truancy of Open Enrollment Student Applicant:**
As provided in Wisconsin Statute 118.51(5)(3), the Board will consider as part of their criteria for accepting or rejecting full-time open enrollment applications from nonresident students whether the nonresident school board determined that the student was habitually truant from the nonresident school district during any semester of attendance at the nonresident school district in the current or previous school year. "Habitually truant" means being absent from school without an acceptable excuse for part or all of five or more school days during any semester.
- **Open Enrolled Students to Virtual Charter School and Student's Failure to Participate:**
In the event an open enrolled student to the virtual charter school fails to respond to school assignments or directives three times within a semester and is referred to the school board, the school board may take action authorized by state law to include transfer back to his or her resident school district.
- **Appeals to Open Enrollment Decisions Made Based on Habitual Truancy or Virtual Charter Student's Failure to Participate:**
A nonresident student's parent or guardian may appeal to the DPI a rejection of the student's full-time open enrollment in a nonresident school district based on the student's habitual truancy or transfer back to the resident school district based upon the failure to participate.

4. Special Education

Upon receipt of a request for open enrollment of a nonresident student with a disability, the School District of Waupaca will request student records from the student's resident district. The records will be reviewed with the primary focus being the student's most recent special education evaluation and current Individual Educational Plan (IEP).

The School District of Waupaca will accept nonresident students that meet criteria delineated in this policy for all students, as well as the following criteria specific to students with disabilities:

- The open enrollment application contains information that accurately reflects the student as a student with a disability with a current IEP.
- The special education and related services in the student's IEP are available in the School District of Waupaca
- There is space available in the school, special education program, related services, and integrated environments identified in the student's IEP.
- The student has an evaluation, IEP, and placement that are current, complete, and procedurally correct at the time of the open enrollment application.
- Students with disabilities enrolled in a home-based private educational program must have a current evaluation, IEP, and placement completed by the resident district prior to the date the School District of Waupaca is required to submit a tuition estimate in order to determine the appropriate programming in light of space availability and provision of a free appropriate public education (FAPE). In the event of no records, or an expired IEP, the School District of Waupaca will request the resident district (LEA) reconvene an IEP for the purposes of making an accurate appropriate FAPE determination.
- The resident district approves the open enrollment request and agrees to pay tuition as defined by Wisconsin State Statutes 121.83.
- The School District of Waupaca reserves the right to deny an open enrollment application if, based upon the information available, the School District of Waupaca is unable to determine the programming required to provide FAPE.

The School District of Waupaca is responsible for providing a free appropriate public education (FAPE) to all open enrolled nonresident students. This includes assurances that special education and related services are provided at public expense, meet the standards of the Department of Public Instruction (DPI), and are provided in conformity with the IEP. This

includes the provision of transportation if required as a related service. Reevaluations of nonresident students will include representation from the resident district.

If, after enrollment in the School District of Waupaca, there are changes in the nonresident student's IEP that require a special education program or related service that is not available, or there is not space available in the school, program or service identified in the new IEP, the student will be required to transfer back to the resident district. An increase in special education program and related service enrollments that are due to placements of additional resident students will not jeopardize the nonresident student's enrollment in the School District of Waupaca.

*School District of Waupaca students with disabilities that apply for open enrollment to other district may be denied if the services in the IEP that are provided by the School District of Waupaca represent an undue financial burden for the School District of Waupaca. This determination will be based on a financial assessment conducted by Student Services and Business Services. If the application is approved by the School District of Waupaca and nonresident district, the School District will be responsible for paying the tuition associated with the student's enrollment in the nonresident district. Transportation, if a related service, would be the responsibility of the nonresident district with the cost included in the tuition estimate/agreement unless other arrangements are agreed upon. **The italicized language above shall remain in effect for alternative applications received in 2015-2016 only. Following the 2015-2016 school year, the italicized language shall be deleted.***

B. ALTERNATIVE APPLICATION UNDER CIRCUMSTANCES

A parent or guardian of a student who wishes to attend school in a nonresident school district may submit an open enrollment application (provided by the Wisconsin Department of Public Instruction) outside of the regular open enrollment application period or in lieu of it if the application is for the current school year, the student meets one of the following criteria, and the parent describes the criteria that the student meets in the application:

1. The resident school board determines that the pupil has been the victim of a violent criminal offense in a school in the resident school district. The application must be made within 30 days of the resident school board's determination.
2. The pupil is or has been a homeless pupil in the current or immediately preceding school year.

3. The pupil has been a victim of repeated bullying or harassment and all of the following apply: (a) the student's parent or guardian must have reported the bullying or harassment to the school board or designee under a bullying/harassment complaint process (b) in spite of action taken by the board or designee the repeated bullying and harassment continues.
4. The place of residence of the student's parent or guardian and of the student has changed as a result of military orders. The application must be made within 30 days of the date on which the military orders changing the place of residence were issued.
5. The pupil moved into Wisconsin. The application must be made within 30 days after moving into the state.
6. The student's residence has changed as a result of a court order or custody agreement or because the student was placed in or removed from a foster home or with a person other than the student's parent. The application must be made within 30 days after the student's change in residence.
7. The student's attendance in a school in the nonresident school district is considered to be in the best interest of the student. The application must explain the reasons for requesting this exception and why attendance at the nonresident school district is in the best interest of the student.

When the District receives an open enrollment application that has been submitted under the alternative open enrollment criteria outlined above, whether it is submitted by a nonresident student or a resident student, the application shall be forwarded to the District Administrator or his/her designee for review and recommendations.

The District will notify the parent in writing and within 20 calendar days after receiving the application, whether it has approved or denied the application. If the District approves the application, it will identify the specific school or program the student may attend.

If the District approves the application, the student may immediately begin attending the District (nonresident) and must begin attending the District no later than the 15th day following receipt of the notice of approval. If the student has not enrolled in or attended the District by the 15th day after receiving notice of approval, the District may notify the parent that the student may not attend the District.

PART-TIME ENROLLMENT

A. Acceptance/Rejection Criteria

A nonresident student enrolled in a public high school in another district, or a resident student attending a private school or home-based private educational program, may attend school in the School District of Waupaca on a part-time basis in accordance with Wisconsin State Statute 118.52. The following criteria will be used for acceptance or rejection of applications.

1. Space Availability

A student may enroll in no more than two (2) courses at any time and only in those courses that have space available.

Classes that use specialized equipment, ELL classes, AP classes, music performance classes, or any other unique

course, will establish a cap for nonresident transfers that is 90% of the typical maximum enrollment. Part-time nonresident students with disabilities will be accepted under the same space requirements as full-time nonresident students with disabilities.

Preferences

- Preference for space available will first be given to residents of the School District of Waupaca who seek attendance exceptions within the School District of Waupaca for one or two classes.
- Preference for space available will next be given to resident private or home-based private school students who wish to take one or two courses at one of the high schools. Private or home-based private educational school students must meet the standards for admission to high school and must be residents of the School District of Waupaca.
- Remaining space will be available to nonresident students who apply within the legal timeframes and meet all other criteria of part-time open enrollment and all criteria required of resident students.

2. Other Criteria

- School District of Waupaca students with disabilities will be denied enrollment in another district if the course(s) conflicts with the student's IEP.
- The resident district must pay tuition for courses taken by nonresident students, calculated in a manner determined by the DPI. A nonresident student will be rejected by the School District of Waupaca if undue financial hardship to the School District of Waupaca is incurred.
- The School District of Waupaca will notify any resident student requesting part-time enrollment in a course in another district, prior to the course beginning, if the course does not satisfy high school graduation requirements.

3. Records

Academic records of part-time students will be forwarded to the resident school, private school, or home-based private educational program upon completion of the course(s).

APPEAL PROCESS

If the School District of Waupaca rejects an application for full-time or part-time open enrollment, the student's parents or guardians may appeal the decision to the DPI within 30 days of receipt of the notice

of denial. State law requires the DPI to affirm the School Board's decision unless it finds that the decision is arbitrary or unreasonable.

REAPPLICATION

Once a nonresident student is accepted as an open enrolled student in the School District of Waupaca, he/she may continue to attend within the School District of Waupaca in succeeding school years without reapplying.

Nonresident student will transition to the same middle and high school as their attendance area peers. If resident students transition to more than one middle or high school, then the nonresident students will be afforded a choice of schools.

PRIVATE SCHOOL OR HOME-BASED PRIVATE EDUCATIONAL PROGRAM

Prior to attending as an accepted open enrolled student in a nonresident district, but in no case later than the first day of the school year, private school or home-based private educational program students must enroll in their resident district.

VOIDING OF OPEN ENROLLMENT STATUS

If an open enrolled student does not attend on or before the third Friday in September or if the student is expelled, the open enrollment status ends. Also, if an open enrolled student withdraws from the School District of Waupaca, or enrolls in another school district, charter school, private school, or home-based private educational program, in or out of Wisconsin, open enrollment is terminated and the student will not be permitted to re-enroll without reapplying and being approved through the open enrollment process.

Furthermore, parents of newly accepted students have an obligation to notify the School District of Waupaca of their child's intent to attend by the last Friday in June. If they fail to do so and a student(s) is accepted from the waiting list, the original acceptance may be voided and the student may not be permitted to attend the School District of Waupaca.

TRANSPORTATION

The parents/guardians of nonresident student, private school students and home-based private program students attending a school full-time or part-time in the School District of Waupaca are responsible for student transportation to and from the school. Low-income assistance may be available for students who meet the State requirements. If the nonresident open enrollment student is a student with disability and transportation is required in the student's IEP, the School District of Waupaca is responsible for transporting the student. The actual cost of transportation may be charged back to the resident school district.

RIGHTS OF NONRESIDENT STUDENTS

Nonresident students, with the exception of nonresident expelled students, have all the rights and privileges and are subject to the same rules and regulations as students residing in the School District of Waupaca, which includes payment of school fees required of resident students. Although nonresident expelled students may be accepted by

the School District of Waupaca for open enrollment, they retain status as an expelled student until the end of the expulsion order term. They are also subject to various restrictions as identified under the "Student Expulsion" section of this policy.

Participation in interscholastic athletics must comply with pertinent regulations of the Wisconsin Interscholastic Athletic Association (WIAA) and any relevant league standards regarding eligibility of transfer students for participation in interscholastic athletics.

Part-time students are not eligible for those programs that require full-time enrollment status, such as the Youth Options program, WIAA activities, and other extracurricular activities.

A student may return to his or her resident school at any time. The parent shall notify both the resident and the nonresident school district of this decision in writing.

RELEASE OF RESIDENT STUDENTS APPLYING FOR OPEN ENROLLMENT

The School Board shall release any resident student who wishes to apply for open enrollment in another school district. The maximum number of students who may be released in any given school year will comply with statutory limitations, if any. If there are more requests than can be accommodated with the statutory limits, a lottery will be used to determine those students eligible. Also, resident students with disabilities may be denied if they represent an undue financial burden for the School District of Waupaca.

RELEASE OF RECORDS

The District Administrator or his designee will ensure that the records of a resident student who transfers to a nonresident district are sent promptly to the other district.

EARLY ADMISSION TO KINDERGARTEN AND FIRST GRADE

Nonresident children applying for open enrollment that are not age eligible will not be considered for early admission. Wisconsin State Statute 118.14 mandates that a child must be five years old on or before September 1 to enter a five-year-old kindergarten and six years old on or before September 1 to enter first grade.

TIMELINES

Feb. - April Nonresident parents submit applications to the School District of Waupaca and resident parents submit applications to other district requesting open enrollment.

Applications cannot be submitted before the first Monday in February and no later than 4:00 p.m. on the last weekday in April.

April/Early May:

The School District of Waupaca cannot act on any application before May 1.

Most applications will be made by parents online and will be immediately available to both resident and non-resident district. The School District of Waupaca must make sure that any paper applications to attend the School District of Waupaca are entered into OPAL by the end of the day on the first weekday immediately following the last day of the application period.

Both the resident and nonresident districts should monitor and review applications as they come in. Districts should review for unnecessary applications, required reapplications, and errors to the applications such as correct resident or non-resident district names, wrong grades or program or inconsistent age & grade level.

Expulsion and special education records will be sent to the non-resident school district. Records will be sent no later than the first Friday following the first Monday in May. However, it is recommended that the resident district provide these records earlier, within 5 working days of the request, if possible.

The School District of Waupaca will request records of students who have applied for open enrollment in the School District of Waupaca. The nonresident district must send the records no later than the first Friday following the first Monday in May. If the student is not attending the resident district, the School District of Waupaca will request records from the school district the student is currently attending.

Early June

The School District of Waupaca will notify the nonresident applicants, in writing, that the application has been accepted or denied on or before the first Friday following the first Monday in June. The notice will state the reason(s) for denial.

The School District of Waupaca will notify accepted nonresident applicants, in writing, on or before the first Friday following the first Monday in June of the specific school or program that the student may attend the following year.

The School District of Waupaca will notify resident applicants, in writing, if it is denying the application of a student requesting open enrollment in another school district on or before the second Friday following the first Monday in June. The notice will state the reason(s) for denial.

June/Early
July

Parents may appeal a rejection or denial to the DPI within 30 days of the receipt of the notice of denial.

June Nonresident parents must notify the School District of Waupaca on or before the last Friday in June to verify that the student who has been accepted will indeed attend school in the School District of Waupaca in the following school year.

On or Before July 7 The School District of Waupaca will report the names of the students it has accepted for open enrollment, including those continuing open enrollment students to the resident school districts.

On or Before July 15 Parents requesting part-time enrollment for a course beginning in the first semester must apply no later than six weeks before the starting date of the course. This includes students within the School District of Waupaca requesting courses at another high school, private and home-based private students who live in the School District of Waupaca, and nonresidents.

August The School District of Waupaca will notify applicants of acceptance or rejection for part-time open enrollment no later than one week before the start of the course.

The School District of Waupaca will notify resident students requesting part-time enrollment in another district if their applications are being denied, or if the course does not satisfy high school graduation requirements.

August & September Private school or home-based private educational program students must enroll in their resident district no later than the first day of school.

If space becomes available, students on a waiting list will be accepted prior to but no later than the third Thursday in September. The student must be in attendance on the third Friday in September.

November Parents requesting part-time enrollment for a course beginning in the second semester must apply no later than six weeks before the starting date of the course. This includes students with the School District of Waupaca requesting courses at another high school, private and home-based private educational students who live in the School District of Waupaca, and nonresident students.

December &
January

The School District of Waupaca will notify applicants of acceptance or rejection for part-time open enrollment no later than one week before start of the course.

The School District of Waupaca will notify resident students requesting part-time enrollment in another district if their applications are being denied, or if the course does not satisfy high school graduation requirements.

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LEGAL REFERENCE: Wisconsin State Statutes 118.14, 118.145(1)(4), 118.33, 118.51, 118.52, 118.55, 120.13(1)(f), 121.54(3), 121.78(1)(2), 121.84(1)(b) and (4), 121.83, s.939.22(10), Wisconsin Administrative Rule PI36

CONTRACT REFERENCE:

CROSS REFERENCE: 411 - Student Nondiscrimination and WIAA Transfer Rules & Regulations

The School District of Waupaca does not discriminate on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability.